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1672CV00467 Christina Stevens Trustee of The Lighthouse Realty Trust vs. Town of Bourne Zoning Board of Appeals et al

- Case Type
- Real Property
- Case Status
- Open
- File Date
- 10/03/2016
- DCM Track:
- F - Fast Track
- Initiating Action:
- Zoning Appeal, G.L. c. 40A
- Status Date:
- 10/03/2016
- Case Judge:
-
- Next Event:
-

Property Address

Bourne

[All Information](#) [Party](#) [Event](#) [Tickler](#) [Docket](#) [Disposition](#)**Party Information****Stevens, Christina**
- Plaintiff**Alias****Party Attorney**

- Attorney
- Swanson, Esq., Dina Marie
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- 654540
- Address
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- Raynham, MA 02767
- Phone Number
- (508)823-4567
- Attorney
- Wynn, Esq., Thomas J
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[More Party Information](#)**Town of Bourne Zoning Board of Appeals**
- Defendant**Alias****Party Attorney**

- Attorney
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- 503160
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- Troy Wall Associates
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- Sandwich, MA 02563
- Phone Number
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[More Party Information](#)**Molloy, James F**
- Defendant**Alias****Party Attorney**

- Attorney
- Fitch, Esq., Jonathan D
- Bar Code
- 168500
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Sandwich, MA 02563
- Phone Number
- (774)313-6985

[More Party Information](#)**Events**

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
06/30/2017 09:30 AM	Second Session	Courtroom 2	Rule 16 Conference		Rescheduled
09/22/2017 09:30 AM	Second Session	Courtroom 2	Rule 16 Conference		Held as Scheduled
05/18/2018 09:30 AM	Second Session	Courtroom 3	Final Pre-Trial Conference		Held as Scheduled
08/22/2018 09:00 AM	Second Session	Courtroom 2	Jury Waived Trial	Rufo, Hon. Robert C	Held as Scheduled
05/30/2019 02:00 PM	Second Session	Courtroom 2	Hearing on Preliminary Injunction	Cannone, Hon. Beverly J	Held - Under advisement

Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	10/03/2016	01/03/2017	92	12/22/2016
Answer	10/03/2016	01/31/2017	120	12/22/2016
Rule 12/19/20 Served By	10/03/2016	01/31/2017	120	12/22/2016
Rule 12/19/20 Filed By	10/03/2016	03/02/2017	150	12/22/2016
Rule 12/19/20 Heard By	10/03/2016	04/03/2017	182	12/22/2016
Rule 15 Served By	10/03/2016	01/31/2017	120	12/22/2016
Rule 15 Filed By	10/03/2016	03/02/2017	150	12/22/2016
Rule 15 Heard By	10/03/2016	04/03/2017	182	12/22/2016
Discovery	10/03/2016	11/10/2017	403	03/20/2018
Rule 56 Served By	10/03/2016	12/27/2017	450	03/20/2018
Rule 56 Filed By	10/03/2016	01/26/2018	480	03/20/2018
Final Pre-Trial Conference	10/03/2016	05/18/2018	592	05/18/2018
Judgment	10/03/2016	10/03/2018	730	12/22/2016
Review Appeals Filed	02/07/2019	03/07/2019	28	02/26/2019
Review Appeals Filed	02/07/2019	02/07/2020	365	
Under Advisement	05/30/2019	06/29/2019	30	

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
10/03/2016	COMPLAINT	1
10/03/2016	Civil action cover sheet filed.	2
10/17/2016	Certificate of service of attorney or Pro Se: Dina Marie Swanson, Esq. Affidavit of Compliance with G.L. c.40A, s.17	3
10/21/2016	APPEARANCE of Jonathan D Fitch, Esq. added as Private Counsel for Defendant James M. Molloy	4
12/19/2016	Notice of voluntary dismissal (41a.l.i) Applies To: Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)	5
05/17/2017	ORDER: Vacating Voluntary Dismissal	6
05/18/2017	Notice to Appear for Rule 16 Conference 6/30/17 @ 9:30 a.m. Sent to DS,JF On: 05/18/2017	
06/13/2017	Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust's Joint Motion to continue / reschedule an event 06/30/2017 09:30 AM Rule 16 Conference	7
06/15/2017	Endorsement on Motion to continue / reschedule an event (#7.0): ALLOWED Continued to September 22, 2017 at 9:30 a.m.	
06/15/2017	Notice to Appear for Rule 16 Conference 9/22/17 @ 9:30 a.m. Sent to DS,JF,Town of Bourne Zoning Board of Appeals et al On: 06/15/2017	
07/17/2017	Defendant James F Molloy's Joint Motion to extend tracking deadline(s) Discovery, Filing of Rule 56, Final Pre-Trial Conference	8
07/18/2017	Endorsement on Motion to extend tracking deadline(s) (#8.0): ALLOWED as to tracking order deadlines as follows; Discovery extended to 11/10/2017; Rule 56 motions served by 12/27/2017 and filed by 1/26/2018; Final Pre Trial May 2018. Rule 16 Conference remains as scheduled. Copy to BZBA, JDF, DMS	
09/26/2017	WITHDRAWAL OF APPEARANCE FILED for Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust by Kevin Patrick McRoy, Esq.	9
03/20/2018	Notice to Appear for Final Pre-Trial Conference 5/18/18 @ 9:30 a.m. Sent to DS,JF On: 03/20/2018	10
05/15/2018	Joint Pre-Trial Memorandum filed:	11
05/18/2018	Pre-Trial ORDER: Trial without jury, 1-2 days, scheduled for 8/22/18. Joint Pre-trial memorandum filed p#11.	12
05/23/2018	ORDER: Non-Jury Trial Order issued this day by Rufo, J. Sent to Judge: Rufo, Hon. Robert C	13
05/23/2018	Notice to Appear for Non-Jury Trial on 08/22/2018 Sent On: 05/23/2018 to DMS; JDF	
08/15/2018	Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust files proposed Rulings of Law Applies To: Swanson, Esq., Dina Marie (Attorney) on behalf of Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)	14
08/15/2018	Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust's Joint Statement of Facts Applies To: Swanson, Esq., Dina Marie (Attorney) on behalf of Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)	15
08/15/2018	Defendant James F Molloy's Statement of Facts Believed to be Disputed by Plaintiff	16
08/15/2018	Defendant James F Molloy files proposed Rulings of Law Applies To: Fitch, Esq., Jonathan D (Attorney) on behalf of Molloy, James F (Defendant)	17
08/15/2018	Witness list Applies To: Fitch, Esq., Jonathan D (Attorney) on behalf of Molloy, James F (Defendant); Swanson, Esq., Dina Marie (Attorney) on behalf of Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)	18
08/15/2018	List of exhibits JOINT - 15 agreed upon exhibits in Black 3 ring binder with case file	19

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
08/22/2018	TRIAL ACTIVITY: Judge: Fishman, Hon. Kenneth J Applies To: Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff); Molloy, James F (Defendant); Fitch, Esq., Jonathan D (Attorney) on behalf of Molloy, James F (Defendant); Swanson, Esq., Dina Marie (Attorney) on behalf of Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff) Judge: Fishman, Hon. Kenneth J Judge: Fishman, Hon. Kenneth J	20
08/22/2018	Matter taken under advisement: Jury Waived Trial scheduled on: 08/22/2018 09:00 AM Has been: Held - Under advisement Comments: Post trial briefs to be filed by 9/14/18 Hon. Kenneth J Fishman, Presiding Appeared: Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust Dina Marie Swanson, Esq., Private Counsel Defendant James F Molloy Jonathan D Fitch, Esq., Private Counsel Staff: Scott W Nickerson, Clerk of Courts FTR Barnstable Civil A, Court Reporter	
08/30/2018	James F Molloy's Memorandum Post Trial argument and memorandum	21
09/14/2018	Christina Stevens Trustee of The Lighthouse Realty Trust's Memorandum Post Trial memorandum	22
11/28/2018	Findings of Fact and Rulings of Law: Order for Judgment: It is hereby ORDERED that judgment shall enter for the defendant and against the plaintiff Judge: Fishman, Hon. Kenneth J (copy mailed to DMS, JDF 12/10/18)	23
12/17/2018	JUDGMENT for Defendant(s), Town of Bourne Zoning Board of Appeals, James F Molloy after trial without jury, the complaint of the Plaintiff(s), Christina Stevens Trustee of The Lighthouse Realty Trust is dismissed on the merits and the defendant(s) will recover statutory costs. That the decision of the Town of Bourne Zoning Board of Appeals dated September 14, 2016, be and hereby is AFFIRMED. (copy mailed to DMS, JDF, Town of Bourne)	24
12/24/2018	Notice of appeal filed. Applies To: Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)	25
01/08/2019	Appeal: Party's Letter received re: no transcript on appeal Applies To: Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)	26
02/07/2019	Notice to Clerk RE: Assembly of Record	27
02/07/2019	Appeal: Statement of the Case on Appeal (Cover Sheet). E-filed to Appeal Court 2/7/2019 and mailed to JDF, DMS	28
02/21/2019	Notice of Entry of appeal received from the Appeals Court Entered February 19, 2019 as docket # 2019-P-467	29
05/10/2019	Defendant(s) James F Molloy's Motion for a Preliminary Injunction (Post-Trial)	30
05/10/2019	Affidavit of James F. Molloy in support of P #30.0	30.1
05/10/2019	Affidavit of Jonathan D. Fitch in support of P #30.0	30.2
05/10/2019	James F Molloy's Memorandum in support of P #30.0	30.3
05/10/2019	Defendant Town of Bourne Zoning Board of Appeals's Notice of Assent to Defendant, James F. Molloy's Motion for Post-Trial Preliminary Injunction	30.4
05/10/2019	Opposition to P #30.0 filed by Christina Stevens Trustee of The Lighthouse Realty Trust	30.5
05/10/2019	Affidavit of compliance with Superior Court Rule 9A Applies To: Fitch, Esq., Jonathan D (Attorney) on behalf of Molloy, James F (Defendant)	30.6

<u>Docket</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
<u>Date</u>		
05/16/2019	Notice to Appear for Hearing on Preliminary Injunction 5/30/2019 at 2:00pm. Copy mailed to JDF, DMS	
05/28/2019	APPEARANCE FILED by Robert Sweeney Troy, Esq., for Town of Bourne Zoning Board of Appeals	31
05/30/2019	Hearing on Preliminary Injunction scheduled on 05/30/2019: Held - Under advisement Comments: 2nd Session: FTR (CMH) Appeared: Plaintiff - Dina Marie Swanson, Esq. Defendant - Jonathan D Fitch, Esq.	
06/10/2019	Endorsement on Motion for a Preliminary Injunction post trial (#30.0): ALLOWED After hearing on May 30, 2019, and review of the relevant case law this court finds that the Defendant has met his burden. Motion for Post-trial Preliminary Injunction is ALLOWED. Copy mailed to JF, DMS	
06/12/2019	Preliminary Injunction issued for Defendant James F Molloy. It is ordered and adjudged that Plaintiff(s) Christina Stevens Trustee of The Lighthouse Realty Trust and their various attorneys and agents are: enjoined from: 1. Allowing weddings or wedding receptions or similar events to take place at her residential property located at 0 and 1 Lighthouse Lane, Wings Neck, Bourne, MA until final judgment is entered in this case.	32
06/13/2019	Docket Note: Updated docket sheet e-filed to Appeals Court	

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Court Finding	12/17/2018	